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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------------|------------------------|
| 09/880,672 | 06/13/2001 | Hyun-Dong Lee | 678-659 (P9670) | 5097 |
| 66547 7590 06/13/2007 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553 | | | EXAMINER ADDY, THJUAN KNOWLIN | |
| | | | ART UNIT 2614 | PAPER NUMBER |
| | | | MAIL DATE 06/13/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/880,672

Applicant(s)

LEE, HYUN-DONG

Examiner

Thjuan K. Addy

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-3.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment (Response to Arguments).
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

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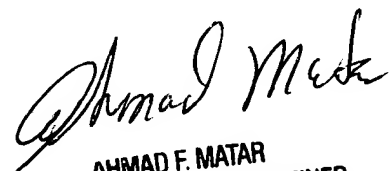
DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 02, 2007 have been fully considered but they are not persuasive.
2. Applicant argues that Bank fails to teach or reasonably suggest, "...a second portion extended from the first portion, for mounting a panel-type speaker to the lower surface of the second portion of the polarizing plate."
3. In regards to Bank not fairly teaching or reasonably suggesting, "...a second portion extended from the first portion, for mounting a panel-type speaker to the lower surface of the second portion of the polarizing plate," Examiner respectfully disagrees. Bank does teach and reasonably suggest, a second portion (e.g., bimorph beam 88 and piezoelectric beam 51) extended from the first portion (e.g., bimorph beam 90 and piezoelectric beam 43), for mounting (See Abstract, paragraph [0005], and paragraph [0062]) a panel-type speaker (e.g., transducer, actuator, exciter) (See Fig. 2 and transducer 86) to the lower surface (See Fig. 2, bimorph beam 88 and Fig. 5, piezoelectric beam 51) of the second portion of the polarizing plate (e.g., piezoelectric material/plate) (See Fig. 2, Fig. 5, paragraph [0054 - 0055], paragraph [0059], and paragraph [0061]). The claims and drawings (See Fig. 2 - 4) of the present invention merely recite how and/or where a panel-type speaker (e.g., transducer) is positioned/mounted within a device, such as a mobile phone or wireless telephone. Bank, clearly, discloses this same feature. As can be seen in Fig. 2 and Fig. 4, Bank is

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also concerned with the positioning/mounting of a panel-type speaker (See transducer 86 and transducer 158) (See paragraph [0033] – [0034] and paragraph [0057]). As can be seen in the above paragraphs, Bank teaches and reasonably suggest a transducer being mounted at a location where the number of resonance nodes is relatively high and conversely the number of resonance nodes is relatively low, along 38% to 62% along each of the length and width axes of the acoustic radiator, or near an edge of the panel to excite it to produce vibration to produce an acoustic output. Therefore, Bank does teach and reasonably suggest a panel-type speaker mounting structure.



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